

## NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

**RULE REPEAL AND PROMULGATION:** DMR Regulation 95.10<sup>O</sup> ~~N~~, Closed Area No. 8A, Cape Porpoise Harbor, Kennebunkport, promulgated on January 7, 2000 is repealed and replaced with the following rule:

**TEXT OF RULE:** DMR Regulation 95.10<sup>O</sup> ~~N~~, Closed Area No. 8A, Cape Porpoise Harbor, Kennebunkport.

Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters from the following two areas:

1. Inside and west of a line beginning at the southern end of Cape Arundel and running northeast to the eastern point of Bumpkin Island; then running northeast to the eastern point of Folly Island, then running northeast to the eastern point of Goat Island, then running northwest to the southern point of Bickford Island in Cape Porpoise.

### Exception:

Shellfish harvesting will be permitted from October 1 through May 31, inside of the following two lines: one line beginning at the southern point of Vaughn Island, then running east to the south point of Folly Island, then following the low tide mark east and north to the north end of Folly Island, then running northwest to the southern point of land south of Langsford Road on the north side of Paddy Creek; and the second line beginning at the western point of Vaughn Island, then running northwest across the western end of Cross Creek to a red painted post on the mainland, Kennebunkport.

2. Inside and west of a line beginning on the north side of Sampson Cove, 2000 feet west of Nessler Point, on the west side of the tidal channel which drains from the Marshall Point Road, and running south to a point of land on the opposite shore.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: December 22, 2000

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## STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.10 ~~0A~~, Closed Area No. 8A, Cape Porpoise Harbor, Kennebunkport promulgated on January 7, 2000, and replaces it with a new regulation. This new regulation opens Paddy Creek and Cross Creek from October 1 through May 31.

The remaining prohibited areas are closed due to the presence of licensed overboard discharges and intermittent microbiological pollution. Consequently, these prohibited areas must remain closed to protect the public health.



GEORGE LAPOINTE  
COMMISSIONER



# Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

## C8a Cape Porpoise

12/20/00

